

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *JF* D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

VICKIE MILLER,

Plaintiff,

v.

NIPPON CARBON COMPANY, LTD.,
et al.,

Defendants.

YANG MINE MARINE TRANSPORT
CORPORATION,

Third-Party Plaintiff,

v.

INTERMODAL CARTAGE CO.,

Third-Party Defendant.

NO.: 05-2413-B-An

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates were established as the final dates for:

INITIAL DISCLOSURES (RULE 26(a)(1)): **August 31, 2005**

JOINING PARTIES:

for Plaintiff: **October 17, 2005**
for Defendant: **November 17, 2005**

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 8-25-05

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AMENDING PLEADINGS:

for Plaintiff: **October 17, 2005**
for Defendant: **November 17, 2005**

COMPLETING ALL DISCOVERY: September 8, 2006

- (a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and REQUESTS FOR ADMISSIONS: April 17, 2006**
- (b) **NON-EXPERT DEPOSITIONS: April 17, 2006**
- (c) **EXPERT DISCLOSURE (Rule 26(a)(2)):**
 - (i) Plaintiff's Experts: **May 19, 2006**
 - (ii) Defendant's Experts: **June 16, 2006**
 - (iii) Supplementation under Rule 26(e): **June 30, 2006**
- (d) **EXPERT WITNESS DEPOSITIONS: September 8, 2006**

FILING DISPOSITIVE MOTIONS: October 20, 2006

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) for Plaintiff: **45 Days Before Trial**
- (b) for Defendant: **30 Days Before Trial**

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last _____ days. The presiding judge will set this matter for **JURY TRIAL**. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for

filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, the parties have not given consideration to whether they wish to consent to trial before the magistrate judge. The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

The parties are ordered to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: August 24, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 30 in case 2:05-CV-02413 was distributed by fax, mail, or direct printing on August 25, 2005 to the parties listed.

Michael E. Keeney
THOMASON HENDRIX HARVEY JOHNSON & MITCHELL
40 S. Main St.
Ste. 2900
Memphis, TN 38103--552

Carl Wyatt
GLASSMAN EDWARDS WADE & WYATT, P.C.
26 N. Second Street
Memphis, TN 38103

James D. Wilson
HARRIS SHELTON DUNLAP COBB & RYDER
One Commerce Square
Ste. 2700
Memphis, TN 38103

Jill M. Steinberg
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ
165 Madison Ave.
Ste. 2000
Memphis, TN 38103

Kenneth I. Schacter
Bingham McCutchen, LLP.
399 Park Avenue
New York, NY 10022--468

Thomas F. Barnett
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ
165 Madison Ave.
Ste. 2000
Memphis, TN 38103

Dennis R. Baer
BAER BAER & BAER
100 N. Main Street
Ste. 2510
Memphis, TN 38103

James F. Horner
GLASSMAN EDWARDS WADE & WYATT, P.C.
26 N. Second Street
Memphis, TN 38103

Shannon E. Holbrook
HARRIS SHELTON DUNLAP COBB & RYDER
One Commerce Square
Ste. 2700
Memphis, TN 38103

J. Mark Griffiee
GLANKLER BROWN, PLLC
One Commerce Square
Suite 1700
Memphis, TN 38103

Taylor Cates
BURCH PORTER & JOHNSON
130 N. Court Avenue
Memphis, TN 38103

Joel H. Porter
BURCH PORTER & JOHNSON
130 N. Court Avenue
Memphis, TN 38103--221

Jimmy Moore
CIRCUIT COURT, 30TH JUDICIAL DISTRICT
140 Adams Ave.
Rm. 224
Memphis, TN 38103

James R. Newsom
HARRIS SHELTON HANOVER WALSH, PLLC.
One Commerce Square
Ste. 2700
Memphis, TN 38103--255

Honorable J. Breen
US DISTRICT COURT